



Appeal Decision

Site visit made on 19 November 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2024

Appeal Ref: APP/P0119/W/24/3350518

133 Bristol Road, Frampton Cotterell, South Gloucestershire BS36 2AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Morland & Mr and Mrs Marsden against the decision of South Gloucestershire Council.
 - The application Ref is P23/01800/F.
 - The development proposed is erection of 3 no. dwellings, formation of new shared vehicular access and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the 'very special circumstances' required to justify the proposal.

Reasons

Whether inappropriate development

3. The appeal site comprises the rear gardens to 133 and 135 Bristol Road and lies within the Bristol and Bath Green Belt. The proposal is for the erection of 3 dwellings. Paragraph 154 of the Framework sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, it identifies limited infilling in villages as an exception to this. The appellant asserts that the proposal falls within this exception.
4. Policy CS5 of the South Gloucestershire Core Strategy (2013) (SGCS) permits small scale development within village settlement boundaries in the Green Belt. Otherwise, development must comply with the Framework or relevant SGCS policies. This includes Policy CS34, which protects the Green Belt from inappropriate development. Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (2017) (LP) sets out that inappropriate development is harmful to the Green Belt and will not be acceptable unless

very special circumstances can be demonstrated that clearly outweigh the harm to the Green Belt, and any other harm.

5. The appeal site lies close to but outside of the settlement boundary of Frampton Cotterell. However, a settlement boundary may not necessarily determine whether a site is within a village for Green Belt purposes. Rather, this is part of a wider consideration and is a matter of planning judgement including consideration of what is on the ground. I saw at my site visit a number of residential developments on the northwest side of Bristol Road which appear to have extended the built-up part of the village beyond Bristol Road. Based on the evidence before me and my own observations, I consider that, despite the settlement boundary, the site is part of Frampton Cotterell for the purposes of Green Belt policy and the proposed dwellings would not necessarily appear disconnected from the settlement. The construction of 3 dwellings would be a modest extension to the village. For these reasons, the proposal would be both limited in extent and within the village.
6. There is no definition of 'limited infilling' within the Framework. The SGCS defines infill development as 'the development of a relatively small gap between existing buildings, normally within a built-up area'. Several planning permissions for nearby development have been put before me¹ which I observed have extended built form into the Green Belt. It is also suggested that the dwellings would round off the edge of the settlement. Nonetheless, the site is bound by the open countryside on 2 sides and the site does not form a gap between existing buildings. Therefore, the proposal would not meet the SGCS definition of limited infilling and thus would appear to differ from a planning permission² for residential development to which my attention has been drawn in which the Council found that, as the land is clearly between buildings, the development amounted to 'limited infilling'.
7. For the above reasons, the proposal would not comprise limited infilling in a village. It would therefore be inappropriate development in the Green Belt which would conflict with the Green Belt purpose of safeguarding the countryside from encroachment. Conflict also arises with those aims of SGCS Policies CS5 and CS34 and LP Policy PSP7 as set out above.

Openness

8. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. One of the five purposes of the Green Belt identified by Paragraph 143 of the Framework includes to assist in safeguarding the countryside from encroachment.
9. The site contains a number of ancillary structures, which are read as low-level buildings. As such, their effect on the openness of the site is limited. The proposed dwellings and double garages would cover more of the appeal site, and the structures would have a greater floor area, height and massing than the existing ancillary buildings. The proposal would result in more of the Green Belt being built upon than at present. The scale of development would increase the visibility of built form on the site from nearby locations, including from the surrounding open countryside. This would result in a visual loss of openness.

¹ Applications PT17/2904/0, PT18/1280/F, P19/09153/F, PT18/3128/F and P22/00161/F

² P23/00651/PIP

10. In light of the above the proposal would have a greater impact on the openness of the Green Belt in both visual and spatial terms than the existing structures, leading to a negative change in terms of the existing openness of the Green Belt. The development would conflict with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open and safeguarding the countryside from encroachment.

Other considerations

11. Paragraph 152 of the Framework says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'.
12. It appears that the Council can demonstrate an adequate supply of housing land. Nonetheless, the appellant states that in 2 planning appeals it was accepted that SGCS Policies CS5 and CS34 were out of date. These appeal decisions are not before me, and I have no details about whether these sites were also in the Green Belt or whether these policies were considered to be out of date in respect of the Green Belt issue. Nonetheless, even if the appellant is correct and I were to find that these policies are out of date, bullet i of Paragraph 11.d clarifies that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including the Green Belt, provide a clear reason for refusing the development. Given my conclusions in relation to the effect of the proposal on the Green Belt, this provides a clear reason for refusing the development. Given this, in any case the proposal would not benefit from the presumption in favour of development.
13. The appellant has drawn my attention to the Government's consultation on "Proposed reforms to the NPPF and other changes to the planning system" and the "National Planning Policy Framework: draft text for consultation" and a written Ministerial Statement (WMS) entitled "Building the homes we need" (30 July 2024), specifically referring to the need to deliver more houses. The changes to the Framework can only be given limited weight at this stage, given that it is within the consultation process and no final document has been published. The WMS sets out a commitment to ensuring the Green Belt serves its purpose involving a more strategic approach to Green Belt release starting with a review of Green Belt boundaries where Councils cannot meet their identified housing, commercial or other development needs. The WMS goes on to state that, where authorities are under performing in relation to housing land supply or delivery, applications for sites not allocated in a plan must be considered where they relate to brownfield and grey belt land.
14. The proposed definition of grey belt land in the consultation on the amendments to the Framework sets out that this will comprise previously developed land and any other parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes. There is no particular evidence that the appeal site would meet this definition, or indication that the site would be released from the Green Belt following a review of the Green Belt boundary. Furthermore, there is no indication that the Council is underperforming. Given this, the WMS attracts limited positive weight.
15. My attention has been drawn to an emerging local plan (ELP), in which it is suggested that an adjacent site forms a site allocation for residential

development. The Framework sets out that weight may be given to policies in emerging plans according to its stage of preparation and subject to the extent of unresolved objections and degree of consistency with the Framework. There is no substantive evidence before me which allows me to make this judgement. Given this and the early stage of this plan preparation, the ELP attracts limited weight as a material consideration.

16. The proposal would deliver 3 market dwellings on a site at low risk of flooding in a location which is accessible to local facilities and services. The dwellings would contribute to boosting the supply of new housing. There would also be social and economic benefits to local services during the construction and occupancy phases. The benefits would be tempered by the scale of the development but nevertheless, would still make a small contribution to the housing land supply. This attracts some weight in favour of the proposal.

Other Matters

17. The proposal would make adequate provision for car parking and refuse storage and the Council raised no objections to the proposal on grounds of the effect on highway safety, the design of the dwellings, the effect on the living conditions of the occupants of neighbouring properties, amenity space provision, drainage, ecology or the effect on trees. Nonetheless, compliance with the relevant development plan policies on these matters would be required in any case, therefore these matters weigh neutrally, rather than in favour of the proposal.

Green Belt Balance

18. The proposal would be inappropriate development in the Green Belt which is harmful by definition. I have also found that the proposal would reduce the openness of the Green Belt which also amounts to harm and carries substantial weight.
19. The other considerations I have identified are of limited weight in favour of the proposal. Those other considerations would not, in their totality, clearly outweigh the harm to the Green Belt that I have identified. Thus, the 'very special circumstances' necessary to justify inappropriate development in the Green Belt do not exist. The development would thus conflict with the Green Belt protection aims of the Framework.

Conclusion

20. The development would conflict with the development plan and material considerations do not indicate that the decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

N Robinson

INSPECTOR